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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,268	08/01/2001	Richard Boyd	156857-0023	5598
29000	7590 05/20/2003			
	ANELLA LLP		EXAMINER	
1800 AVENU SUITE 900	E OF THE STARS		BELYAVSKYI, MICHAIL A	
LOS ANGELES, CA 90067			ART UNIT	PAPER NUMBER
			1644	
			DATE MAILED: 05/20/2003	· >

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner			Application No.	Applicant(s)			
## Disposition of Claims ## Art Unit Michail A Belyawskyn 1644 ## The MAILING DATE of this communication app are on the cover sheet with this correspond new address **Period for R ply** A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION **Extensions of time make a realized under the provisions of 37 CRT 1.158(s). In no exect, however, may a neigh the thresh files **If the period to regio is appendix above, the maximum stabulory period of all pages 35 (30), MONTH'S from the making date of this communication is 10 period for regio is appendix above, the maximum stabulory period of all pages 35 (30), MONTH'S from the making date of this communication is 10 period for regio is appendix above, the maximum stabulory period of all pages 35 (30), MONTH'S from the making date of this communication is 10 period to regio is appendix above, the maximum stabulory period of all pages 35 (30), MONTH'S from the making date of this communication is period to regio is appendix above, the maximum stabulory period of this communication is period to replace the period of this communication. The pages 35 (30) is application is in condition or allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. ### Disposition of Claims ### Application is objected to be application. ### Application Pages ### Application is objected to by the Examiner. ### Application Pages ### Of The drawing(s) filed on is/are withdrawn from consideration. ### Application Pages ### Application is objected to by the Examiner. ### Application Pages ### Application is objected to by the Examiner. ### Application Pages ###			09/885.268	BOYD, RICHARD			
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DETAILED ACTION

Claims 1-37 are pending.

Restriction Requirement

- 1. Restriction to one of the following inventions is required under 35 U.S.C. § 121:
- I. Claims 1-2 and 12-18 drawn to a method for determining susceptibility of a thymus in a patient to activation through disruption of sex steroid signaling, wherein the method of disrupting sex steroid mediated signaling to the thymus is through surgical castration, comprising the step of monitoring the concentration of one or more thymopoietic cytokines, classified Class 119, subclass 174; Class 435, subclass 7.1.
- II. Claims 1 and 3-18, drawn to a method for determining susceptibility of a thymus in a patient to activation through disruption of sex steroid signaling, wherein the method of disrupting sex steroid mediated signaling to the thymus is through administration of pharmaceuticals comprising the step of monitoring the concentration of one or more thymopoietic cytokines, classified in Class 424, subclass 184.1; Class 435, subclass 7.1.
- III. Claims 1-2 and 19-25 drawn to a method for determining susceptibility of a thymus in a patient to activation through disruption of sex steroid signaling, wherein the method of disrupting sex steroid mediated signaling to the thymus is through surgical castration, comprising the step of monitoring the concentration of one or more thymopoietic hormones, classified in Class 119, subclass 174; Class 435, subclass 7.1.
- IV. Claims 1, 3-11 and 19-25, drawn to a method for determining susceptibility of a thymus in a patient to activation through disruption of sex steroid signaling, wherein the method of disrupting sex steroid mediated signaling to the thymus is through administration of pharmaceuticals comprising the step of monitoring the concentration of one or more thymopoietic hormones, classified in Class 424, subclass 184.1; Class 435, subclass 7.1.
- V. Claims 26-28, drawn to a method for identifying thymic factors, classified in classified Class 435, subclass 69.6.

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- VI. Claims 1-2 and 29-37 drawn to a method for determining susceptibility of a thymus in a patient to activation through disruption of sex steroid signaling, wherein the method of disrupting sex steroid mediated signaling to the thymus is through surgical castration, comprising the step of monitoring the production of new T cells, classified in Class 119, subclass 174; Class 435, subclass
- VII. Claims 1, 3-11 and 29-37, drawn to a method for determining susceptibility of a thymus in a patient to activation through disruption of sex steroid signaling, wherein the method of disrupting sex steroid mediated signaling to the thymus is through administration of pharmaceuticals comprising the step of monitoring the production of new T cells, classified in Class 424, subclasses 184.1; Class 435, subclass 6.
- 2. Groups I VII are different methods. These invention are different with respect to ingredients, method steps, and endpoints; therefore, each method is patentably distinct.
- 3. These inventions are distinct for the reasons given above. In addition, they have acquired a separate status in the art as shown by different classification and/or recognized divergent subject matter. Further, even though in some cases the classification is shared, a different field of search would be required based upon the structurally distinct products recited and the various methods of use comprising distinct method steps. Moreover, a prior art search also requires a literature search. It is an undue burden for the examiner to search more than one invention. Therefore restriction for examination purposes as indicated is proper.

Species Election

4. Applicant is further required under 35 USC 121 (1) to elect a single disclosed species to which the claims would be restricted if no generic claim is finally held to be allowable and (2) to list all claims readable thereon including those subsequently added.

5. If Group II, or IV, or VII is elected, applicant is required to elect a specific method for determining susceptibility of a thymus in a patient to activation through disruption of sex steroid

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signaling, wherein specific pharmaceutical is, for example, selected from the Groups recited in Claim 6.

These species are distinct because the method for determining susceptibility of a thymus in a patient to activation through disruption of sex steroid signaling, wherein specific pharmaceutical is, for example, selected from the Group recited in Claim 6 differ with respect to the use of specific pharmaceutical; thus each specific method employing a specific pharmaceutical represents patentably distinct subject matter. Furthermore, the examination of specific pharmaceutical such as ones recited in the Claims 6, in the method for determining susceptibility of a thymus in a patient to activation through disruption of sex steroid signaling would require different searches in the scientific literature.

In addition to selecting specific pharmaceutical,

6. If Group III or IV is elected, applicant is required to elect a specific method for determining susceptibility of a thymus in a patient to activation through disruption of sex steroid signaling, comprising the step of monitoring the concentration of specific thymopoietic hormone wherein specific thymopoietic hormone is selected from the Groups recited in Claim 20.

These species are distinct because the method for determining susceptibility of a thymus in a patient to activation through disruption of sex steroid signaling, comprising the step of monitoring the concentration of specific thymopoietic hormone wherein specific thymopoietic hormone is selected from the Groups recited in Claim 20 differ with respect to the use of specific thymopoietic hormone; thus each specific method employing a specific thymopoietic hormone represents patentably distinct subject matter. Furthermore, the examination of specific thymopoietic hormone such as ones recited in the Claims 20 in the method for determining susceptibility of a thymus in a patient to activation through disruption of sex steroid signaling would require different searches in the scientific literature.

7. If Group VI or VII is elected, applicant is required to elect a specific method for determining susceptibility of a thymus in a patient to activation through disruption of sex steroid signaling, comprising the step of monitoring the production of new T cells wherein specific PCR primer is selected from the Groups recited in Claim 32.

These species are distinct because the method for determining susceptibility of a thymus in a patient to activation through disruption of sex steroid signaling comprising the step of monitoring the production of new T cells, wherein specific PCR primer is selected from the group recited in claim 32, differ with respect to the use of specific PCR primer; thus each specific method employing a specific PCR primer represents patentably distinct subject matter. Furthermore, the examination of specific PCR primer recited in the Claim 32 in the method for determining susceptibility of a thymus in a patient to activation through disruption of sex steroid signaling would require different searches in the scientific literature.

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Applicant is advised that a response to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. M.P.E.P. § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. § 103 of the other invention.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michail Belyavskyi whose telephone number is (703) 308-4232. The examiner can normally be reached Monday through Friday from 9:00 AM to 5:30 PM. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (703) 308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-0196.

Papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center telephone number is (703) 305-3014.

Michail Belyavskyi, Ph.D. Patent Examiner Technology Center 1600 April 18, 2003

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600